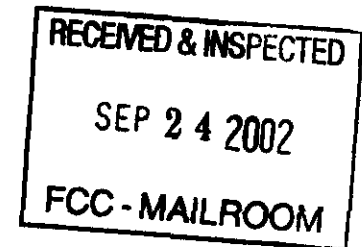




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July 30, 2002

Ms. Magalle Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

RE: Docket #01-108

Dear Ms. Roman Salas:

On behalf of the Orange County Transportation Authority (OCTA), I respectfully request that the Federal Communications Commission (FCC) not eliminate provisions from Code of the Federal Regulations (CFR) 47, Part 22, Rule 933, requiring compatibility between digital and analog cellular radiotelephone services. Relief from this rule will, in effect, allow mobile telephone service providers to cease providing analog services in favor of digital.

In the Notice of Proposed Rulemaking published in FCC 01-153 adopted May 3, 2001, the Commission specifically requested comments as to whether removing the cellular analog compatibility standard could: 1) harm FCC efforts to promote nationwide communications interoperability; 2) provide public interest benefits by making it easier for cellular carriers to migrate to digital technologies; 3) have any impact on the continued provision of service to existing analog cellular customers; 4) impact existing programs and services; and 5) impact people with hearing disabilities, particularly those who depend on text telephone (TTY) devices.

As to the first two issues, we recognize the major advances in the area of digital technology that have both proliferated its use and increased its affordability nationwide. However, we believe the FCC must weigh this against the profound effect that a rapid migration from analog to digital service will have on the operators of the 17,000 freeway and highway call boxes located in California and particularly on persons with hearing disabilities.

OCTA currently operates a system of over 1,300 call boxes installed along 200 miles of freeways, state highways, and toll roads within Orange County. The call boxes all use analog cellular service, provided by AT&T Wireless, and enable over 60,000 drivers annually to report incidents and request assistance.

The call box system was initially installed in Orange County in the 1980's and upgraded in 1999 and again in 2001 to provide full text telephone (TTY) capabilities. The call box system is designed to perform without modification for a period of up to ten years. If, due to this FCC rulemaking, service providers are provided with the

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Ms. Magalle Roman Salas, Secretary
July 30, 2002
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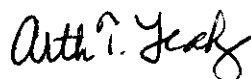
ability to quickly transition to a completely digital system, OCTA estimates that the cost to modify its call box system will be in excess of \$3 million.

More important than the relative newness of our current analog call box system and the cost of upgrading, OCTA is concerned that the technology needed to convert all the call boxes from TTY-analog to TTY-digital has not yet been perfected and, in the case of most carriers, is still in production and testing stages. OCTA is keenly aware of the requirement of Title II of the Americans with Disabilities Act to provide equivalent service and has made a \$3 million investment in its call boxes to ensure its compliance. OCTA would be required to ensure that any transition of the call boxes from an analog to a digital based system remain compliant with Title II.

We believe that relief from the current FCC standard should not be granted with respect to call boxes until the TTY digital technology is perfected and an agreement to mitigate financial, technological, and public service barriers has been developed between the service providers and California call box operators, such as OCTA. Included within this recommendation is the creation of an acceptable transition timeframe that would enable these issues to be resolved. We also understand that nine other California local governments have sent similar letters requesting your consideration of their ex parte letters on this issue.

If you or your staff have any questions regarding this letter, please contact Iain Fairweather at (714) 560-5858.

Sincerely,



Arthur T. Leahy
Chief Executive Officer

ATL:cmr

c: The Honorable Dianne Feinstein
The Honorable Barbara Boxer
Orange County Congressional Delegation
Linda Chang, Wireless Telecommunications Bureau, FCC
Blaze Scinto, Deputy Division Chief, Policy Division, FCC
D'Wanna Perry, Private Wireless & Public Safety Division, FCC